

UNITED STATES OF AMERICA
 NATIONAL TRANSPORTATION SAFETY BOARD
 OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of:

M/V MASSACHUSETTS FIRE
 JUNE 12, 2006

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 * Docket No.: DCA-06-MF-016
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Interview of: JAY SPENCE

Boston, MA

Thursday,
 June 15, 2006

The above-captioned matter convened, pursuant to
 notice, at 8:50 a.m.

BEFORE: BRIAN CURTIS
 Investigator-In-Charge

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P R O C E E D I N G S

(8:50 a.m.)

1
2
3 MR. CURTIS: Good morning. It's June 15 at 08:50.
4 We're doing an interview regarding the fire on the small
5 passenger vessel *Massachusetts*. We will be interviewing
6 Mr. Jay Spence, who is the general manager for Massachusetts
7 Bay Lines. The fire occurred on the 13th -- the 12. I'm
8 sorry, the 12th. If we could just go around the room first of
9 all, so the transcriptionist can know the players. Each time
10 we're asking questions, you need to identify yourself before
11 you ask the questions, so the transcriptionist can get it.

12 I'm Brian Curtis with the NTSB.

13 MR. LaRUE: Liam LaRue, NTSB.

14 MR. SPENCE: Jay Spence from Mass. Bay Lines.

15 LT. CARRUTHERS: Lt. JG Kelly Carruthers from U.S.
16 Coast Guard Sector Boston.

17 MR. CURTIS: Thanks, Jay. If you could just spell
18 your last name, Jay, for us.

19 MR. SPENCE: S-P-E-N-C-E.

20 INTERVIEW OF JAY SPENCE

21 BY MR. CURTIS:

22 Q. Okay, great. Like I say, if you want to take a break
23 at any time, let us know, Jay. This is Brian Curtis. We'll
24 begin -- your title, Jay, with the company?

25 A. General Manager.

1 Q. Okay. And could you just give me the company
2 hierarchy from owner down and the number of employees, a little
3 bit about the company.

4 A. Sure. Should I identify myself?

5 Q. No, you're okay.

6 A. Okay, I wasn't sure. I want to make sure. The
7 company is a corporation. My father, William J. Spence, is the
8 President. I am the General Manager, Jay Spence. And my
9 sister is the Chief Financial Officer, and her name is Kerry
10 Spence. My mother is the Secretary-Treasurer, Wilma Spence.
11 Our employees range to the seasonality of our business from
12 probably 100 in the summer to 15 to 20 in the winter, and those
13 are not all full-time employees. We have a number of part-time
14 employees that work for us year round. In addition to myself
15 there's a fellow named Frank Kelly who is the operations
16 manager. He's worked for us for over 20 years. He just became
17 a full-time employee, retiring from the MBTA. He worked in the
18 general manager's office at the Transit Authority.

19 And Will Lacey is the maintenance manager. He has
20 worked for us at least ten years, give or take, working as a
21 deckhand up to getting his captain's license and then getting
22 really involved in the maintenance department over the last two
23 years. Each boat has its own captain that's in charge. Steve
24 Bodie, who is in charge of the *Massachusetts*, has been working
25 for us at least 20 to 25 years. I can't give you the exact

1 date, but he is in charge of the *Massachusetts* and has been
2 ever since it's been in the shipyard. He was in the yard while
3 it was being built and brought from Louisiana up to Boston.

4 In addition to that, we have a number of other
5 captains that are in charge of our other boats. Do you want me
6 to get into that?

7 Q. No, I'm more interested in -- just if you could just
8 give us an overview of when you started and the number of
9 vessels you have and just a little bit about the history of the
10 company, a quick overview.

11 A. Okay. The company basically was formed in 1963. it
12 was formed by a number of businessmen from Nantasket, which is
13 a suburban community south of Boston. Prior to -- there were
14 1,000 to 3,000 passenger boats that brought people to Nantasket
15 Beach and Cumberland Point over a period of 150 years, because
16 Nantasket Beach used to be -- Cape Cod today. All the boats
17 were at the dock in the '50s, the late '50s, and they tried to
18 operate with a single 1,500 passenger boat, but the frequency
19 was not enough for the passengers or the people had gone there
20 and they started going other places.

21 In order for the community not to fall apart
22 hopefully, my father was the President of the Chamber of
23 Commerce in Hull, and a number of businessmen, he being one of
24 them, decided to start a smaller boat company with frequency of
25 service to try to keep the people coming down. My father was

1 the largest employer on a year round basis, but the amusement
2 park, which was right at the dock, was the largest employer
3 seasonally. And so he and the owner of the amusement park were
4 two of the many people that put some money up to build some
5 boats and put the company together.

6 Two boats were built, two steel ferryboats at -- one
7 in '63, one in '64. They were 250-passenger boats, and we had
8 departures about every hour, every hour to hour-and-a-half. I
9 think we had 11 trips down and 11 trips back. And it was, you
10 know, very, very well accepted by the people in the community.
11 We carried thousands of people a day. And then as the economy
12 changed and as people started looking for places to build
13 condominiums and the owner of the amusement park was getting
14 old, he decided to cash in and sold the whole piece of
15 property. And I think we continued to Nantasket Beach for
16 about four more years. I don't know exactly what that is,
17 though.

18 During this whole period of time we -- as part of our
19 agreement with the town -- ran a commuter boat. And that was
20 part of our lease agreement with them to use the docks that the
21 town owned. And we would operate year round from Pemberton
22 Point, which is at the very end of the peninsula, bring people
23 to Boston and back from Boston. I was on the maiden voyage. I
24 have a picture of myself and my father and a few of the other
25 owners. And that, again, was back in 1963. We continued

1 operating in Holland until about 1980 and we began service in
2 Hingham in 1978. So we were running from two South Shore
3 communities at that time.

4 And then we ended up not being able to make things
5 really viable to continue operating into Hull, and another
6 company took our franchise over, basically, in Hull and
7 continued to operate the commuter boat and trips to the beach,
8 Nantasket Beach, and we continued operating on a daily basis
9 out of Hingham.

10 We've operated year round service every day since --
11 y, for the last 42 years. We, you know, seasonally operate
12 seven days a week with sightseeing trips and whale watch trips,
13 private parties and anything you can do on a boat that we
14 charge you for, basically.

15 Q. How many vessels do you have?

16 A. Currently there are eight. There's only seven in the
17 water. Currently they are certified. We have a small pontoon
18 boat that really was far too small for our operation that we've
19 tried to sell, but it's actually sat in the parking lot for
20 three years now. The other boats are -- do you want me to get
21 into the actual style of boats or --

22 Q. No, just quickly the number of -- do you have like a
23 spec sheet that has -- that I can get eventually?

24 A. When Steve Bodie gets in the office he's going to
25 bring a copy of the 2692 down, which is for the Coast Guard.

1 Q. Okay, right.

2 A. He's also bringing a three-page description of the
3 company, basically like a history.

4 Q. That would be great.

5 A. I didn't ask him to bring any of the brochures and
6 things like that, but he can bring brochures, which actually
7 have pictures, full color pictures of all of the boats.

8 Q. Okay, that would be great. Do they have the specs on
9 them, like the passenger -- if we get like the specs of the
10 boat, the passenger they carry.

11 A. We have a one-page sheet that's basically
12 -- talks about the engines, generators, passenger capacity.

13 Q. Great. That's what we're looking for.
14 Okay, that's what we're looking for. And this vessel was built
15 in '88, I understand?

16 A. 1988.

17 Q. And you've had it since its inception, since its
18 build date?

19 A. Yes.

20 Q. And what's its daily schedule typically?

21 A. Well, since we had it delivered in May of '88 it was
22 used on the Hingham commuter run exclusively with the exception
23 of seasonal trips, which would be whale watching or private
24 parties. So it's run on the route since 1988.

25 Q. Now that goes from --

1 A. Hingham to Boston.

2 Q. And where does it dock in Boston?

3 A. Rowes Wharf.

4 Q. Rowes Wharf, okay.

5 A. And we've been at Rowes Wharf for 42 years.

6 Q. And Hingham it docks where?

7 A. At a place called the Hewitt's Cove Marina.

8 Q. Okay.

9 A. It's on Route 3A in Hingham.

10 Q. Okay. Forgive me for jumping around here. These are
11 the questions I have, so it will be all over the place. But
12 the rotation of your crews, what do they work for rotation?
13 How was that determined?

14 A. Well, Steve has been in charge of the boat -- Steve
15 Bodie has been in charge of the boat since the boat was in the
16 yard, and he has a schedule that's Monday, Tuesday, Thursday,
17 Friday. And on Wednesday we have Wesley Babbitt, who operates
18 as the first mate, second captain, and, also, Will Lacey, who
19 has been, you know, running our maintenance program, as the two
20 captains onboard.

21 Q. Is it just a daylight operation?

22 A. Well, we start at -- we're onboard at 6:00 a.m. and
23 our first trip is at 6:50.

24 Q. Okay.

25 A. And the second trip -- that's from Hingham. Our

1 second trip from Hingham is at 8:20 to Boston. And then
2 through the winter the boat basically is laid up during the
3 day, unless we would have -- we do have some Oriental visitors.
4 We have -- our tours are actually in Mandarin Chinese, so we
5 have a lot of Oriental visitors that take tours year round.
6 And since that's the boat that's operating on a daily basis, we
7 normally will have that cover those trips.

8 Q. So that's two trips in the morning?

9 A. Yes.

10 Q. What's the duration of the trip, approximately?

11 A. About 35 minutes, 35 to 40, depending on the traffic,
12 if there's slow-down.

13 Q. Turnaround time, they just turn right around and come
14 back?

15 A. The departure from Boston -- you know, this is a
16 guess. Steve will know exactly when he comes in, but it's
17 normally about 45 minutes after departure from Hingham. So it
18 should be 7:35 return from Boston to Hingham, with the return
19 in Hingham at 8:20. And then the first departure in the
20 afternoon is at 4:00 p.m. to Hingham and arrival at about 4:35,
21 and a turnaround at 4:45.

22 Q. So there's two morning and two afternoon trips?

23 A. Yeah. Now the last trip in the afternoon we're
24 scheduled for is at 6:00 p.m., and that was set up with the
25 company that we are subcontracting to, Boston Harbor Cruises,

1 so that if one of their catamarans was in yard period or having
2 an engine rebuilt, or something like that, we would be in
3 Boston in time to do the 5:40 trip. So we would leave 20
4 minutes earlier than normally scheduled if we needed to. But
5 normally our scheduled trip is at 6:00 p.m.

6 Q. So explain to me the relationship you have as you're
7 subcontracted to these other folks and also the supervision
8 you're under. Is it the MBTA?

9 A. Yes.

10 Q. So please explain to me who you're under contract
11 with and the relationship and supervision of those?

12 A. Okay, our contract is with Boston Harbor Cruises, who
13 was awarded the contract almost four years ago. And they were
14 awarded the previous one nine years ago.

15 Q. By?

16 A. By the MBTA, the local transit authority. And we
17 have been a subcontractor to Boston Harbor Cruises for almost
18 the past four years. As of July 1 it will be four years.

19 Q. And MBTA, they periodically award these contracts?

20 A. It's every five years. It's been every five years
21 for maybe the last 20 years. From time to time they've awarded
22 a one-year contract if they felt there was a need to increase
23 the capacity available on the route. You know, in other words,
24 if the boats were getting overloaded they'd evaluate it and
25 offer a one-year contract to a company, not necessarily the one

1 that was involved, but put out to bid.

2 Q. So are you under a direct contract with the MBTA as
3 well or just under subcontract to Boston Harbor?

4 A. Just subcontracting to Boston Harbor Cruises.

5 Q. Okay.

6 A. And they hold the contract with the MBTA.

7 Q. So you don't deal with MBTA. You deal, rather, with
8 your contractor, Boston Harbor Cruises, in your negotiations?

9 A. Right.

10 Q. Just a little bit about the hiring process, how you
11 go about hiring a crew member or a captain.

12 A. Okay. Well, we have a number of people that have
13 -- well, we recruited Maine Maritime Academy --

14 Q. Good choice.

15 A. -- up in Maine. And we have been for at least ten
16 years. We are not actively recruiting, though we post
17 positions at Mass. Maritime which is, you know, much closer to
18 us. The Maine Maritime program offers a great program for us as
19 a small passenger boat company, and they have a program called
20 Small Passenger Boat Operations. And many of the students --
21 it's a two-year program and then they have the opportunity to
22 continue to get either a third mate's license or an engineers
23 license if they opt, or they can leave with a 500-ton mate,
24 100-ton operator's license. That's what they would graduate
25 with.

1 It's worked great for us because normally they have to
2 do an internship after both of the years. They can't graduate
3 even after their second year in school until they complete
4 their second internship. And that to us indicates that there's
5 going to be a high level of knowledge, a high level of interest
6 and, you know, really a good caliber person coming out of the
7 program.

8 Q. Do you have a minimum criteria for license that you
9 as a company subscribe to? Aside from the regulatory aspect,
10 do you require a higher license?

11 A. No, just -- well, actually, we will hire 50-ton
12 operators that can operate our two smallest boats, and many
13 times they want to try to get time to increase their license
14 and they'll work as a first mate on the bigger boats, that they
15 were given the time that they would have to start accumulating.
16 The biggest criteria I'd say that I have -- and I'm the one
17 that hires everyone. I can have people, you know, recommend
18 people to me, and that doesn't mean they're going to get hired.
19 We need to have a captain that doesn't figure that his cargo
20 load is a container. It's something that actually will talk to
21 them, and talk back to them and ask them questions and things.
22 So there has to be some customer service experience or -- you
23 know, a lot of people skills.

24 We also want to make sure that the person has been
25 involved with more of a recreational type atmosphere, not

1 necessarily as a captain, but, you know, working as a student
2 or previous occupation, so that they have a good feeling for
3 what the passengers -- you know, their cargo is looking for.
4 We want to make sure the cargo is happy.

5 Q. What about your deckhands, what do you have for a
6 hiring process for them, requirements for hire?

7 A. The process there is to try to hire the ones that are
8 most interested in the field. And Steve had his license prior
9 to coming to Mass. Bay Lines, but we hired Wesley and he
10 indicated he was interested in the field. He the second
11 captain, the mate on the boat. So he started working just out
12 of high school, worked through college, went to Harvard Law
13 School for the period of time he got his license. He became
14 the person in charge of one of our smaller boats, did a good
15 job. And we had the opportunity to keep the best people year
16 to year, because we are a seasonal business. And when we mail
17 out -- this is actually how we retain good employees, not
18 really how we're looking for them. But we retain the good
19 employees by having an evaluation by all the captains that work
20 year round, and people in the office and looking into, you
21 know, positive comments, negative comments. And we keep the
22 best people year after year. We won't offer a job to a person
23 that's -- you know, that hasn't cut the mustard.

24 Q. What about your deckhands, they're not required to
25 carry documentation. Is that correct?

1 A. Right.

2 Q. What is the hiring process?

3 A. Well, some of them will come from Mass. Maritime, so
4 from Maine Maritime, some from local colleges, many of them --
5 at this point right now, I'd say probably about 20 or 30
6 percent actually hold full-time jobs and work for us, you know,
7 additionally.

8 Q. Are they seasonal, the deckhands?

9 A. I would call them seasonal, but if we have a party in
10 the fall, since they are a part-time employee, they'd be
11 available to us to staff the boats.

12 Q. Okay.

13 A. We, on our web site, have the ability for people to
14 fill an application out. We have not posted an ad in the
15 paper, I don't think, for three or four years, because we have
16 a number of people that come in looking for a job, and a lot of
17 times looking for a job that we don't have. They want to be a
18 waiter or a bus person or a dishwasher, things like that. We
19 don't operate a dinner boat. We operate passenger boats that
20 serve food, but we don't operate the food portion of the
21 business. We have caterers that do that.

22 Q. What is your web site?

23 A. Massbaylines.com. And I think it's listed in there
24 for applications as employment opportunities.

25 Q. Okay. A little bit about training, if you hire a

1 captain, what training do you put him through or what's he
2 required to do previous to taking command of the vessel?

3 A. He -- if I hired a captain today, he'd work as a
4 first mate and work with one of our captains as a first mate,
5 and then the captain would, you know, verify that he had local
6 knowledge, verify that he had ability to actually run a boat,
7 by letting him, you know, have some wheel time. He'd have to,
8 you know, prove that he knew how to run the systems and start
9 and stop the engines. And then once the captain has told me
10 that -- or, the captains have told me that they feel he's ready
11 to be checked out, then either myself or Frank or Steve Bodie,
12 in particular on the *Massachusetts*, would go out and ride with
13 him a few times. And it's not when the student is ready. It's
14 when I'm ready.

15 They only get checked on when I tell them they're
16 ready. You know, that's how it has been and that's how it will
17 continue to be. Just because people think they can run a boat
18 doesn't mean they know how to run a boat. Just because they
19 have a piece of paper, it doesn't mean that they can use that
20 piece of paper.

21 Q. Currency training, ongoing training that captains
22 take, is there any requirements of the company's outside of the
23 license requirements?

24 A. Well, we have to keep training logs and we go through
25 drills. The company, since we are a seasonal company, does a

1 lot of training in the spring.

2 Q. Such as?

3 A. One of the training programs I think we had 30 people
4 go through recently was alcohol awareness, how to deal with
5 passengers that may have had too much to drink. The captains
6 need to be certified in that, the office staff, all the
7 managers and all the bartenders. And we make it available to
8 any of the people coming back for the second year that are
9 deckhands. We also had the National Transit Institute come up
10 for a three-day program a couple of weeks ago, which dealt with
11 crowd control, security awareness, and safety aboard.

12 Q. Does this go to all the captains or just
13 availability? How is that?

14 A. Well, we had people sign up ahead of time, and I went
15 through it two years ago and a couple of our captains did go
16 through it two years ago, but they didn't go through the crowd
17 control. So if they hadn't gone through one of the items that
18 was being covered, I requested that they not be on the schedule
19 and be available to go. I had the list of people that did it.
20 You know, there's a different list for each day.

21 Q. So you log -- these are encompassed in your training
22 logs. Is that correct?

23 A. I believe that this is all encompassed in the
24 training log. But what we will do is, we'll take the
25 attendance sheets from those people that took tests. You have

1 to take a test and you get a certificate from the National
2 Transit Institute.

3 Q. Okay.

4 A. Indicating that you have either been certified as a
5 trainer or you're certified that, you know, you've taken and
6 passed the class. And then in addition to that we have videos
7 that the Passenger Vessel Association has produced dealing with
8 personal safety, line handling, fire onboard. There are
9 written sheets or papers that have been put together on
10 terrorism and, you know, how to identify bombs.

11 Q. These training records, are they housed in your
12 office or are they housed on the vessel?

13 A. Well, the training onboard the boat is supposed to be
14 logged in a separate log or in red in our log book.

15 Q. Okay.

16 A. That's how it's supposed to be done. The results of
17 scores that people take on the PVA side of things are supposed
18 to be, you know, corrected and then put in their files.

19 Q. You have individual personnel files?

20 A. We do have individual personnel files.

21 Q. Okay.

22 A. Over the last two years we've had three different
23 operations managers with Frank being the third one this year.
24 And things weren't being done up to snuff as far as I was
25 concerned, so the people were not retained.

1 Q. Is there a training -- office training book we could
2 just get a copy of?

3 A. I can get you the copies of the PVA Guides, the
4 manuals. I can get you copies of the videos.

5 Q. I mean, of your personnel having been trained, the
6 training records.

7 A. I'd have to -- you know, you can come down and take a
8 look with me.

9 Q. Okay.

10 A. You know, Frank's in charge of that, but I don't know
11 how far he's gone to look back. He's really trying to go
12 forward.

13 Q. But there are the -- on the vessel the crew training
14 logs?

15 A. Yeah, they are logged in to say man overboard.

16 Q. Put in the deck logs?

17 A. Either in the deck log or a training log.

18 Q. Okay. Maintenance programs, how do you handle your
19 maintenance?

20 A. Well, we --

21 Q. I guess the question is, say the captain is out there
22 sailing along, for instance, and something happens that he
23 loses an engine or whatnot. How does he pass that along and
24 who's responsible for correcting it and seeing it through --

25 A. There are forms that are given out every time the

1 boat leaves, what the exception of our harbor tours, because
2 there are seven departures a day and they're in contact with
3 the people at the dock and the managers all the time. And the
4 forms would indicate as to what boat, who the captain was, what
5 the apparent problem would be, you know, what corrective action
6 was taken. Then Will Lacey would get it. He has an area right
7 on his desk where these would be collected.

8 Q. Is this a daily thing?

9 A. If something happens, they are to fill it out and
10 return it to the office immediately.

11 Q. But if there are no problems -- only when there is a
12 problem he fills it out?

13 A. Only when there is a problem, yeah.

14 Q. Is there a daily checklist on the vessel that you go
15 through, checking water levels, fuel levels, that they have to
16 fill out?

17 A. There is a daily checklist, you know, for days of
18 operations. Some of our boats don't operate every day.

19 Q. Okay.

20 A. So the captain's responsibility is to know how to
21 fill out the engine log and, also, you know, how to look into
22 the engine log and look back in the actual deck log to see if
23 anything has been noted.

24 Q. So he doesn't fill out a checklist and submit it.
25 Basically the running log you keep --

1 A. He has a running log onboard, but he also has to fill
2 out the -- any oil added, filter changes --

3 Q. That's the one I looked at the other day, correct?

4 A. Right. We have one of those on every one of the
5 boats.

6 Q. Maintenance log, I believe it's on there. As far as
7 preventive maintenance, do you have any policies or procedures
8 as far as preventive maintenance?

9 A. Yes. Every fall we have everyone in the company take
10 a sheet with the name of every boat on it, and office people,
11 ticket girls, we can have up to 25 people filling forms out for
12 each boat. And they're requirements is to put down anything
13 they know that needs to be corrected. Sometimes they put down
14 captains' names, like -- you know, that's not what we're
15 looking for, all right. But -- so then what we do is we
16 collect them all and we try to knock out any duplicates.
17 People may put things down that, you know, are the same or
18 maybe they're not the same. And we'll come up with a list, a
19 page, two pages, three pages sometimes. And on those forms we
20 take them and people put on there -- a one is a high priority.
21 A two is high priority but not as high as the number ones.
22 Three, priority, something that they would, you know, feel
23 needs to be done. A four, which is like nice but, you know,
24 not necessary. And a five is something that's -- should be
25 looked at. And this goes beyond the maintenance. This goes

1 into actually the condition of the boats.

2 Q. Is all that maintenance that is logged in the running
3 maintenance log. Is that correct?

4 A. The final form is basically used as a check off list.

5 Q. Okay, but are they saved or they just discarded?

6 A. I believe we've got them for this year and last year.

7 So we review -- you know, we refer back to what was on the
8 list that may be duplicated again. Well, why is it being
9 duplicated again? Some of the things that could be on there
10 is, you know, sell the boat. I mean -- you know, I mean, there
11 are some people that just don't like we're operating some of
12 the boats. We don't give them a guideline as to -- you know,
13 we don't try to tell them what they can say and what they can't
14 say. We just say we want you to fill this out and put down
15 things that need correction here.

16 Q. Okay.

17 A. So the goal is to accomplish every number one.
18 Anything over the two -- because if you've got 25 people you're
19 going to have a 1.1 or a 1.7, so there's a line that's drawn
20 and we say these are the priorities. These are the things that
21 we must correct. And with everyone in the company looking at
22 them, we're hoping that the feeling, although it may be
23 different with a ticket girl, if she doesn't know what we're
24 talking about, there's no vote. So we have 25, but we're only
25 going to divide the figure by 19, because we had 19 responses.

1 Q. Are you aware of the PVA, preventive maintenance,
2 what they have on their web site? They had some pretty good
3 checklists on there, too.

4 A. Yes.

5 Q. I don't know if you incorporate those, but they have
6 a good web site with their maintenance check sheets and all
7 that.

8 A. Yeah. I am -- I'm actually on the safety committee.

9 Q. Are you? Very good.

10 A. Yes.

11 Q. On that particular *Massachusetts*, any major repairs
12 or alterations been done to the vessel over the years,
13 generally? I realize it's a long time, but any big alterations
14 or repairs? We'll get into the engine maintenance shortly.

15 A. Okay, I mean, the hull has not been modified. We
16 started the boat with three-blader wheels, went to four-blader
17 wheels, and now we currently have five-blader wheels, just
18 because they run smoother. There's less vibration. If you get
19 a ding in one of them, there's not that much vibration. We
20 have one -- one of the four engines has got a four-bladed
21 wheel, because the nuts came off underway at some point and it
22 backed off. The wheel just backed off. And we sent a diver
23 down to the dock where we believe it happened. It was an
24 inboard, so we don't usually use those when we're docking.
25 There's a wind station. We're using the outboard engines.

1 Q. Right.

2 A. So -- and we changed the wheels. We put trim tabs on
3 the stern, which used to be hydraulically operated. We
4 actually put fixed trim tabs on to trim the boat further down
5 on the bow. I think it was supposed to bring the bow down to
6 about 18 inches of speed, to have it run more smoothly and
7 efficiently.

8 Q. Any like previous fires or that type of problem?

9 A. Not that I know of. I mean, we've had engine
10 failures. We've had, you know, a cracked block. We have had a
11 rod go through the block. I was onboard and actually shut the
12 engine down myself when that happened. I can't tell you when
13 it happened, but, you know, we had to pull it out and put
14 another engine in.

15 Q. Maybe the captain, where he does a lot of the
16 maintenance on this vessel, if you could just go through the
17 work done, an overview of the engines -- basically, the work
18 done previous to the accident on the engine as best you know.
19 I don't know if you were involved with that maintenance work
20 being done, but what was done, when it was done most recently.

21 A. Well, you know, I was -- the most recent situation I
22 was notified by cell phone that, you know, one of the deckhands
23 had seen sparks coming out of the port generator. I was also
24 notified by phone that the --

25 Q. And that was when?

1 A. This past Saturday.

2 Q. Saturday, okay.

3 A. You know, when the boat returned. The starboard
4 engine had overheated, and so I was told that, you know, there
5 was a question about the generator. There was a question about
6 the starboard engine. I said the boat's not going anywhere.
7 Leave it alone. We're going to get it checked out.

8 Q. It was the starboard inboard, outboard?

9 A. Starboard outboard. And we were planning to replace
10 that engine yesterday. And we got the crane set up and the
11 mechanic was ready and everything else.

12 Q. What was that doing? What was the problem?

13 A. It was smoking, you know, white smoke at idle, which
14 indicates to us that the rings are gone, or there's a stuck
15 injector. You know, it's just pumping fuel in there and it's
16 not burning. But in addition to that we do like oil samples to
17 check the condition of the internal parts of the engine, things
18 we can't see. And we've gotten two oil samples back indicating
19 that there's more and more wear occurring inside the engine.

20 Q. I hate to get off track here, but how frequently are
21 the oil samplings done?

22 A. They're supposed to be done -- well, we went to the
23 Purodine filter system, which is a conditioning system.

24 Q. Right.

25 A. I think they call for every 500 hours to verify that

1 the oil is still in good condition.

2 Q. Is that a contract you send it to?

3 A. We send it to -- I think it's to Texaco.

4 Q. Okay.

5 A. So that they keep track of each unit and each unit is
6 a specific engine.

7 Q. Do you have a log or report sheet on these?

8 A. Steve keeps a file onboard.

9 Q. For oil testing?

10 A. Oil analysis.

11 Q. Oil analysis report.

12 A. Yeah. And what happens with them -- my son set my
13 watch for 9:30. What happens with those is that if there's a
14 poor condition it's immediately faxed to our office.

15 Q. Okay. It's flagged?

16 A. Exactly. And it says specifically what to look out
17 for.

18 Q. Any other engines other than the starboard one that
19 they were flagging lately?

20 A. I am not sure. You'd have to talk to Steve. I think
21 that he got a bad report -- you know, not a tremendously bad
22 report, but it showed increases in tin, copper, iron,
23 indicating that the engine was starting to break down faster.

24 Q. Okay.

25 A. For the port outboard. And those are the two engines

1 that had, you know, the most hours onboard. So, you know,
2 having our rebuilt engine sitting in the shop, you know, we
3 were planning, you know, to pull one. I asked Steve to
4 immediately start rebuilding that one so we would have another
5 engine available without a breakdown to put in the port. He
6 said that the machine shop was really the biggest delay because
7 I was asking, you know, about how long it would take. And he
8 said, "well, I can do it in about a week, maybe a week-and-a-
9 half, but the machine shop is about a three weeks behind right
10 now."

11 You know, in order to check all the borings and
12 pressure tests and dip it and just make sure that the block is
13 reasonable to be used again.

14 Q. So do these engines periodically get changed out or
15 are they primarily the original engines that are just now
16 getting the hours on them?

17 A. No, every engine in the boat has been changed.

18 Q. Okay, and that would be in that maintenance log if we
19 went back?

20 A. Yes. Yeah, it shows when the boat is down.

21 Q. And the change with general wear and basically to
22 keep the vessel running, I guess?

23 A. We change them, you know, so that the systems in the
24 engine can be rehabbed or reconditioned and used again. So we
25 just don't wait for the thing to seize. You know, we want to,

1 you know, take the equipment we have and rebuild it and have it
2 available to put back in the boat. So, you know, we try to
3 stay ahead of the game.

4 Q. The generator, the sparks problem, did they
5 troubleshoot that and determine the problem?

6 A. Yeah, on Monday they disassembled the whole rear end
7 of the unit. You know, because it wasn't the engine. It was
8 the actual generator end. And they had it run an hour full
9 load and nothing appeared at all, nothing. And Steve Sells'
10 generator -- this is the maintenance guy that we use --

11 Q. He's the guy that -- what's his --

12 A. Steve Gagnon.

13 Q. Steve Gagnon?

14 A. G-A-G-N-O-N.

15 Q. And his business is?

16 A. It's called Steve's Shop. He began, you know, by
17 rebuilding 1271 engines for the original -- not the original
18 contractor but pretty much the first contractor that had
19 multiple boats on the Hingham run.

20 Q. Is he the one you used for your maintenance you were
21 speaking of earlier?

22 A. Yes.

23 Q. Okay.

24 A. He was with me when the fire started, because we were
25 trying to figure out what was wrong with the out drive.

1 Q. So he's the one -- he troubleshot the generator, too,
2 but did he find anything?

3 A. He found nothing.

4 Q. Okay.

5 A. What he said was, you know, he's been there 18 years
6 with never -- you know, we changed the oil. We've done our oil
7 analysis. You know, they're low-speed, 1,200 rpm engines.

8 Q. Which generator was that?

9 A. The port, the port generator.

10 Q. Okay.

11 A. And, you know, he said looking at we probably want to
12 take the end off and bake, clean it all up, check the windings
13 and put it back in.

14 Q. Okay.

15 A. He's a dealer with Northern Light and I think I've
16 bought about five Northern Lights generators from him.

17 Q. Do you know the kilowatt load on those?

18 A. All 30.

19 Q. 30K apiece?

20 A. Yes.

21 Q. The accident happened -- how were you notified of the
22 accident? How did you --

23 A. I received a call from the manager from Boston Harbor
24 Cruises that indicated he was told one of his boats had an
25 engine room fire. And he said, "I'm calling you because I

1 checked with the boat and the boat said that they can see the
2 mast and there's smoke coming out." He checked with the *Laura*,
3 which was the boat underway coming back to --

4 Q. Now, the *Laura*, is that his Boston Harbor Cruises
5 boat?

6 A. Boston Harbor Cruises boat, yeah.

7 Q. Okay.

8 A. And so he said, you know, "I'm not exactly sure what
9 has happened."

10 I immediately said, you know, "I've got to get back
11 over to the office and get in a boat and get out there. I've
12 got to find out what's going on here."

13 And then his phone was busy and the crew wasn't
14 answering any of their phones. I didn't know, you know, to
15 what extreme things were at the time, but, you know, they were
16 anchoring, killing the fuel and getting the passengers off. So
17 they weren't going to be answering any phone calls. So I just
18 left a message for them to give me a call.

19 Q. What time was this?

20 A. I believe it was about 4:20 that this --

21 Q. Sorry to interrupt.

22 A. Yeah, about 4:20 in the afternoon I got the call from
23 Boston Harbor Cruises. And their manager is a former employee
24 of mine, Steve Deshaine. He's a graduate of Mass. Maritime
25 Academy. And he said, you know, There's no problem with the

1 Laura, but there is a problem on the *Massachusetts*. You know,
2 I'll keep you up to date." And he wondered where I was.

3 And my father had actually just left the office and
4 was heading home. He lives in Hingham. So I directed him
5 right to the shipyard where he stayed until he took custody of
6 the crew at about, I don't know, 8:30 or 9:00 at night and
7 brought them to be drug tested.

8 Q. Okay.

9 A. So my father was there and then I -- while I was
10 underway out to the boat, they told me I had to be on scene,
11 onboard as soon as possible, to be the company rep and the
12 salvage decision maker.

13 Q. Okay.

14 A. And I said, "Salvage. What are you talking about?"
15 They said, "Well, things are looking bad."
16 I'm like, "Oh my God."

17 Q. Okay. A little back to the drills. What emergency
18 drills do they conduct on the vessels?

19 A. The one that we concentrate on the most, I would say,
20 is the man overboard.

21 Q. The frequency it's done.

22 A. Some of the captains do it once a week. Some of the
23 captains, you know, might be in attendance when another captain
24 is doing --

25 Q. Is there a way to tell if all your deckhands are

1 getting -- I guess maybe it would be the bridge log, but who's
2 involved in the drills? Is there any way you can tell if all
3 the deckhands are --

4 A. I cannot give you a piece of paper that certifies
5 that everyone has been -- gone through all the different
6 drills.

7 Q. Do they have any written directives that they will
8 conduct abandon ship for firefighting drills periodically, or
9 is it left up to the captain's discretion?

10 A. It's pretty much up to the captain. You know, the
11 only year round boat is the *Massachusetts*, and Delia, who is,
12 you know, the galley, deckhand, the fourth person in the crew,
13 has been working, I think, three weeks. So it's more hands on,
14 hands-on training with the crew. But, you know, I would have
15 hoped that she would have gone through the man overboard drills
16 and how to anchor the boat. She knows how to breast the boats
17 together, because we sometimes berth that way during the day,
18 so she's seen how they come up and meet each other and how to
19 work a bow line or a stern line.

20 Q. Are the deckhands given directions in how to deal
21 with the passengers or take care of them? I mean, previous to
22 go on the vessels, how to tie the boat or any of that, just a
23 general indoctrination?

24 A. Yeah. You know, we're looking for people skills when
25 we hire someone.

1 Q. Right.

2 A. So, you know, if a person can't talk to someone in an
3 emergency, you know, nothing is going to happen. There will be
4 no communication at all. So we need to have people that are
5 willing to open their mouth and talk to people. Through the
6 winter I know that we go over hypothermia, you know, dealing
7 with a man overboard, how to post a lookout, how to, you know,
8 show the passengers how to put lifejackets on, you know, just
9 generally observing what's going on. This is with the
10 deckhands in particular. And then, you know, there's the
11 captain in the wheelhouse and normally a deckhand in the
12 wheelhouse. And the other captain is, you know, out amongst
13 the crew and the passengers.

14 Q. What's expect -- you have four crew members on the
15 vessel. What's expected of them along those lines, where they
16 should be in the vessel and their responsibilities?

17 A. My experience, I normally will be with whoever is at
18 the lower deck coffee bar for the whole trip, and I normally am
19 with the coffee person or the deckhand, or the ones that are
20 responsible to go down in the engine room.

21 Q. I'm speaking about the *Massachusetts* in this case.

22 A. No, this is -- yeah, this is the *Massachusetts*.

23 Q. Okay.

24 A. So more often than not, because I don't operate the
25 boat every day and I'm not onboard the boat every day, I'm the

1 one that does the engine room checks to just check the engine
2 room out. And then as soon as you come up from the engine
3 room, you're to call the captain and say everything looks okay,
4 or this engine is running at 190, you know, there's smoke
5 coming out of an engine or, you know, whatever. And then if
6 the captain gets an alarm in the wheelhouse, they'll call the
7 coffee bar area, because that's where we're supposed to be, and
8 ask the person to go down and check the port inboard and call
9 me back and tell me what's going on.

10 Q. The frequency of those checks during the day?

11 A. The policy, you know, since that particular boat was
12 built is to go down at the Long Island Bridge each way. It's
13 halfway through the trip.

14 Q. Any pre-departure checks?

15 A. Well, in the morning the captain goes through all the
16 water and oil levels and starter procedures, and we want the
17 deckhands to know how to do that. So more often than not there
18 will be a deckhand down there looking learning how to change
19 over the generator, you know, if one went down, just to know
20 what's going on. If an engine were to run away, they're
21 supposed to know how to find the fuel valve and shut that
22 engine off. There's one on each of the engines as well in
23 addition to the emergency shutoffs. So they are supposed to
24 get more and more and more familiar with what's going on below
25 deck so that there's no question in our minds that they won't

1 get hurt -- we don't want anyone getting hurt -- but also that
2 they know what they're looking at.

3 Q. So that check is done in the morning and then
4 somebody does a check at Long Island?

5 A. Long Island. You go down and, you know, you check --
6 you're supposed to go from the portside to the starboard side
7 or the starboard side to the portside, whichever way you want
8 to go. And it's not like, yeah, okay, everything is all set.

9 Q. That's done each trip?

10 A. Every trip, halfway through the trip. Now on the
11 whale watches, I think they do it about every half hour, at a
12 minimum. But getting back to the commuter run -- so the bridge
13 is always the -- considered the halfway point. We need to hear
14 from someone at approximately the halfway point that everything
15 is okay down below.

16 Q. They'll communicate to your office?

17 A. To the captain, to the captain. And then the boat
18 gets into Boston. The passengers are unloaded. The captains
19 usually swap. One of the captains will drive one way. Another
20 captain will drive the other way, back and forth.

21 Q. How many do you require to be in the wheelhouse, or
22 just the captain?

23 A. We want to have another person in there with him, or
24 at least checking in.

25 Q. Okay.

1 A. I don't like seeing everyone in there except for the
2 person on the lower deck, not party time, not gossip time, you
3 know.

4 Q. What are the responsibilities of the crew members,
5 the deck?

6 A. To keep track of the passengers, make sure that
7 coffee cups are cleaned up, if there are spills in the
8 bathroom. You know, they just basically look for passenger
9 safety underway.

10 Q. Pre-departure briefing, is there one given?

11 A. Every departure we have a notification, which is the
12 Coast Guard required information. But, also, the MBTA has us
13 include: this is a nonsmoking boat, you know, no smoking
14 allowed anywhere onboard. They also require us to notify the
15 passengers if it's going to be rough at all. You know, we're
16 inside Boston Harbor, but it can get pretty rough and we want
17 to -- you know, if it's rough the captain is supposed to tell
18 the passengers: please stay seated. It's going to be rough.
19 You know, it's not going to be rough the whole way, but we want
20 to just make you aware of the fact that, you know, we'll be --
21 the boat will be moving a lot more than normal.

22 Q. Is that posted on the bridge so you can read it, the
23 briefing?

24 A. I think it is written out, but the people who do it
25 pretty much have it memorized.

1 Q. Is that a PA system? Is that correct?

2 A. Yeah.

3 Q. Passenger accountability, where it's a ferry vessel,
4 how do you know how many people are on it?

5 A. We count as they get on, and there's usually a person
6 that punches tickets or collects tickets. Most of the tickets
7 are punches, or there's a monthly pass. They just verify that
8 it's the right pass. And then one-way tickets get ripped in
9 half and the stubs get given to the other person. So as people
10 board the vessel a deckhand or the captain will be counting
11 them as they get on as well.

12 Q. And that's recorded somewhere?

13 A. Right in the deck log. You know, as soon as the
14 count is done and they're underway and everyone's all set and
15 the lines are okay -- well, this is the other thing that
16 happens, actually, upon departure in the morning the person
17 that does the count goes right up to the wheelhouse. The
18 person that was doing the tickets -- and this is at least how I
19 remember it. It could alternate, again, like the counting
20 person could go down in the engine room. You know, we turn the
21 fans on at that time, when the boat is actually underway.

22 Q. Ventilation?

23 A. These are ventilation fans. So the person goes down,
24 turns the ventilation fans on, and then comes back up. So the
25 responsibility isn't to do a complete engine room check or

1 anything else, but to just verify the fans are on. Because
2 they make a lot of noise sitting at the dock.

3 Q. Are those started from the wheelhouse?

4 A. No, in the engine room.

5 Q. The ventilation fans are started --

6 A. In the engine room. And there is a shutdown in the
7 wheelhouse.

8 Q. Okay, is there one for each side, the ventilation
9 fans?

10 A. Yeah. So they start those up and go back up. So the
11 person who goes to the wheelhouse normally will stay up in the
12 wheelhouse. The person in the engine room, that does that,
13 will stay on the lower deck.

14 Q. Just the timeline. I don't know if you were involved
15 out there at the time. But the passengers were offloaded to
16 the *Laura*, I believe?

17 A. The *Laura*, yeah.

18 Q. And they were taken to --

19 A. Well, they were heading to Boston until they all
20 screamed and said, "No, we're supposed to be getting off the
21 boat in Hingham, not going back to work."

22 Q. So they actually diverted. Didn't the "Laura" have
23 passengers on at the time?

24 A. Maybe two or three. It sort of -- it's considered a
25 deadhead trip. There's not that many people coming into Boston

1 at that time of day before 4:15.

2 Q. So --

3 A. Well, it wasn't our decision. You know, the captain
4 -- as I understand, it wasn't said go pick them up and bring
5 them back. He just said go get the passengers. So his route
6 was to continue into Boston. That's where he was going.

7 Q. Now did the crew members get off at that time?

8 A. No, no, they stayed onboard. Again, this is how I
9 understand it.

10 Q. Only the crew stayed on?

11 A. Only the crew stayed on, and the Weymouth
12 harbormaster, I believe, came alongside to take them off the
13 boat and to have them standby. Once it was anchored and, you
14 know, the passengers were all gone -- I don't know how fast it
15 was. It might have been sitting there when they were getting
16 the passengers off. I'm not sure.

17 Q. Now when the passengers arrived in Hingham, did you
18 have any involvement with the passengers or did they just
19 disburse upon docking?

20 A. My father was there at the time, I believe. I believe
21 he had already arrived at that location. And if there were
22 complaints or injuries or anything like, he was going to make
23 sure he got people's names and addresses and find out exactly
24 what happened.

25 Q. Did he have any complaints as such?

1 A. The only person -- he didn't speak to the woman, but
2 she got treated because of her asthma, just as a precaution.
3 And that was the only person that sought any kind of assistance
4 at all.

5 Q. There wasn't a lot of passenger flack, then? They
6 just disbursed?

7 A. No. There's always a couple of people that complain
8 no matter what happens, and apparently there were one or two
9 that were screaming because they missed an appointment. You
10 know, well, you're alive, you know. They live in a different
11 world than I do.

12 Q. What's the fee for transiting?

13 A. The one-way is \$6, and so a roundtrip would be \$12.
14 That's for adults. The children, child fare and the senior
15 fare, I think, is \$3. We do it on an individual basis.

16 Q. Do you have a brochure that lists the prices?

17 A. Yeah, there's an MBTA one I can get for you.

18 Q. Okay.

19 A. I'll call the office and have -- you know, because
20 they're coming down after lunch, bring them down here.

21 Q. We'll put it on a list and if it's inconvenient it's
22 okay.

23 A. Okay.

24 Q. The drug and alcohol testing, what was and wasn't
25 done and where did the crew members go?

1 A. I went to the office immediately and called the --
2 what I was told was the 24-hour test anywhere number, and there
3 was no answer.

4 Q. Was that somebody that you contracted with?

5 A. That's the company that we have had a contract with
6 for, you know, years.

7 Q. Do you know what the name of that company is offhand?

8 A. It's called Body Metrics. And, you know, that's -- I
9 don't know whether it's a franchise deal or anything like that,
10 but there was a new owner that took the company over who owns
11 two or three companies in New Hampshire and Vermont, I guess,
12 or maybe even Maine. They bought to or three sites in Boston.
13 And I did speak to him after an incident that occurred, I
14 think, three years ago. We had a generators that pushed a rod,
15 no passengers onboard or anything. And it was probably 1:00 in
16 the morning, 1:30 in the morning. So I sent them all
17 immediately to the medical center, which is registered as a DOT
18 testing site. And I got a bill for a thousand dollars of
19 tests. And then we found out that they weren't even certified
20 to do the tests, although, you know, I was told that they were.
21 They were on our list, the list that was actually sent to us.

22 So after that I talked to the guy and I said, "I need
23 to know how to get in touch with you, how to get you here
24 immediately, you know, for an accident." And I got a phone
25 number. And I called that phone number, which I have right in

1 our drug testing book. There was no answer. Now, you know --

2 Q. This was immediately after the accident?

3 A. This was before 5:00 in the afternoon.

4 Q. Okay.

5 A. I want to get him either to Boston -- you know, I
6 didn't know where the crew was going to go, but I wanted to
7 just say, got an incident. He does live in New Hampshire. I
8 need you to get down here right now. Because it's going to be
9 after hours for our normal site, which he owns. So there was
10 no answer. So I called a fellow that works for us. He's a
11 caterer, but he also does a lot with the City of Boston and
12 everything else. And I said, "I need to know where a DOT 24-
13 hour site is, you know, as quick as you can." So he called the
14 Quincy Police Department and they said they send all their
15 officers to Boston City Hospital.

16 So I said, "Dad, as soon as they, you know, get off
17 the 41-footer, take custody of them, put them in your car and
18 bring them to the Boston City Hospital." So they got there at
19 about 9:30 or quarter of 10:00 at night and they waited for an
20 hour-and-a-half and the guy who was on duty said, "We're not
21 going to do the test."

22 Why, I don't know. I wasn't there. You know, my
23 father could tell you what he said. But -- and they called the
24 3000 number here, said, "We want to bring the crew over here to
25 get tested and, you know, that's not your responsibility." So

1 I don't know whether they talked to Ray or not, but whoever
2 they spoke to said just make sure they get into your site when
3 it opens the next morning, which they all were sitting there
4 waiting when they opened up. And they've got to bring down
5 copies of their drug test papers today, too.

6 Q. Okay, so alcohol testing --

7 A. It was an alcohol/drug test. You know, it was an
8 accident test, so they did them both. But, you know, I'm sure
9 they administered them both, because that's what they're
10 supposed to do. But it was, you know, 14 hours after the fact,
11 or 16 hours, something like that.

12 Q. You don't carry the drug tests onboard. Is that
13 right?

14 A. We don't have the drug tests onboard.

15 Q. So your understanding is you could call this Body
16 Metrics and they would -- should --

17 A. Twenty-four hours be available to send someone to
18 administer the tests. And they are a certified DOT, you know,
19 on-site testing people.

20 Q. I will get that number from you afterwards.

21 A. Yes. They have the right number now.

22 Q. The right number?

23 A. Yeah. It's an (800) number, not a (603) number. I
24 don't know why the guy gave me that number.

25 Q. So you had a (603) number, and they didn't give you

1 the correct number?

2 A. Well, he didn't.

3 Q. Anyway, the number you had, nobody answered the
4 phone?

5 A. Correct. And it's written right in our drug testing
6 book, right in the front page. You know, it says a 24-hour
7 number, call this number. And I went through the whole thing
8 this last time, not because I got a thousand dollar bill for
9 everyone, but because I need to have the guy come down. I need
10 to have him come down and do what he's supposed to do and, you
11 know, be in compliance.

12 Q. Do you require pre-employment drug testing?

13 A. Yes.

14 Q. You say in the PVA you are on the safety committee?

15 A. Yes.

16 Q. That's very good.

17 A. And for some reason they made me a director.

18 Q. So you have periodic attendance on those or
19 something?

20 A. Yeah, we have three, four meetings. We actually had
21 a call that was in progress during this whole incident.

22 Q. Oh, really, okay.

23 A. That was like the number one topic of discussion at
24 the phone call.

25 Q. I'm sure it was. We kind of touched on this the

1 other day on the vessel. So you have no previous marine
2 surveys on this vessel, you know, the whole report?

3 A. None, no. The insurance company has sent people out,
4 but went with the PVA program I think since the boat hit the
5 water. And although there have been different carriers,
6 there's been -- well, there's been different brokers as well,
7 but AON has been the broker, I'd say, for at least 12 years,
8 maybe 15 years. But they're just the broker. Right now it's
9 ACE that's the underwriter on the boat.

10 Q. Okay. As far as -- a little bit back, the counting
11 of passengers. You get the passengers aboard. The captain
12 knows how many there are onboard. Does he convey that to shore
13 side so if there is an accident at sea -- God forbid something
14 happens to the captain -- is there a way to convey so the Coast
15 Guard would know how many people are on that vessel?

16 A. It's written right in the log.

17 Q. But it's not conveyed to shore on departure?

18 A. No.

19 Q. Okay. And his primary means of communication to your
20 facility, how is that?

21 A. We have Nextels, which is a walkie-talkie and a
22 phone. It's got both features. We also have the Nextel
23 numbers for the manager from Boston Harbor Cruises. And a
24 number of their boats, we've got their numbers as well.

25 Q. So shore communications is primarily Nextel or VHF, I

1 presume?

2 A. Yeah. We don't have a VHF in our office. We rely on
3 the cell phone feature basically.

4 Q. We're getting long here, so do you need a break? You
5 okay?

6 A. No, I'm all right.

7 Q. The ventilation fans, I see in the natural exhaust in
8 the stern is plywood in those. Is that there necessarily to
9 damper or just --

10 A. Its function is to keep the engine room warm.

11 Q. Okay.

12 A. It's to keep the engine room warm for easy startup,
13 not hard startup on the engines.

14 Q. Are there any dampers in those ventilation fans or
15 just the fans themselves, no dampers?

16 A. There's no damper, no, no.

17 Q. I guess I can speak to the captain about this,
18 basically the hours and oil change hours, because he knows all
19 that?

20 A. Well, it's all in that log I turned over.

21 Q. Okay. We touched on the oil sample testing you do.
22 That company -- it was basically through Texaco, then?

23 A. Yeah, I think it's Texcheck, but the companies have
24 been bought and sold and then changed so many times.

25 Q. Do you keep a log on those?

1 A. There's a file onboard the *Massachusetts*. I don't
2 know how far back it goes.

3 Q. Well, we're just interested in seeing the oil
4 analysis history.

5 A. Sure.

6 Q. So we can get that. You mentioned you have the -- I
7 refer to them as oil separators. I guess the oil Purodines?

8 A. Yes.

9 Q. When were those put in?

10 A. We started using them, I think, the first week of
11 January, this year. And it was in order to reduce the amount
12 of recycled oil we had to have. It was in order, you know, to
13 reduce the amount of oil we had to keep onboard, to change out
14 the oil, and was also in order to run better oil through it
15 according to what the company told us, what Purodine said, you
16 know, you're running cleaner oil through your engines and
17 you'll have longer life.

18 Q. Did it change the frequency of your oil changes?

19 A. The oil changes were supposed to occurs up to 10,000
20 hours. What changed was the number of filter changes we had to
21 do, particularly with the Purodine filters. It was every 500
22 hours you're supposed to change the Purodine filter.

23 Q. Okay, so you weren't doing -- so you weren't doing
24 the periodic oil changes because you had the Purodine system
25 in?

1 A. Correct.

2 Q. But you would change the oil every 10,000?

3 A. Yeah, but we never got there.

4 Q. Right.

5 A. I think we were up to like maybe 900 hours or
6 something like that.

7 Q. Now in the interim if your oil analysis came back as
8 out of TBN or whatever, you could sweeten the oil with fresh
9 oil and bring it back within specs?

10 A. Right. But I didn't speak to the company, but Steve
11 Bodie or Will Lacey called the company to verify the bad
12 results we got.

13 Q. Okay.

14 A. And, you know, to find out what we should do. And I
15 believe they gave them the -- you know, the numbers, gave the
16 parts per million in each of the areas.

17 Q. Okay.

18 A. And I believe they said change the filters. I don't
19 think they told us to change the oil.

20 Q. Previous to the Purodines, what was the frequency of
21 the oil changes?

22 A. Every 250 to 300.

23 Q. Okay.

24 A. The generators, I think, might be like 300 to 400,
25 since they're 1,200 rpm.

1 Q. But those don't have Purodines?

2 A. No. So they're still on a -- you know, a lower hour
3 change.

4 Q. Who does the oil changes?

5 A. Steve, Steve, the captain.

6 Q. Fuel oil usage per day, ballpark?

7 A. Well, I mean, our contracts over the last -- you
8 know, for a four or five-year period called for the commuter
9 runs themselves to burn 300 gallons a day, and that's all we
10 get reimbursed for. So it's very, very close.

11 Q. But you do run all four engines. Are you under a
12 time constraint for your runs? Do you have to do it within 40
13 minutes?

14 A. The time constraints isn't based on one boat. It's
15 based on the trip times for like the whole morning and the
16 whole afternoon.

17 Q. Okay.

18 A. But if there's barge traffic L&G -- you know, if
19 there's anything that disrupts that, then there's no average
20 required, as I understand it. Because you just can't, you
21 know, all of a sudden have the boat going 40 knots to make up
22 time. It's just not going to happen.

23 Q. And you fuel every day?

24 A. Well, in the off season we do Tuesdays and Fridays.
25 And then in the summer we do every day.

1 Q. Now the oil that's received, is that recorded on the
2 vessel?

3 A. Well, with a slip. You know, we get a slip off the
4 truck that gets punched in their meter, and then we sign that
5 and the company keeps one and we keep the hard manila copy,
6 which is the back piece, for the bookkeeper to match to the
7 bill when it comes in.

8 MR. CURTIS: Thanks a lot, Jay. I'll pass it along
9 to Liam.

10 MR. SPENCE: Okay, could I grab just a little water
11 for a second?

12 MR. CURTIS: Actually, why don't we take a break
13 here.

14 (Off the record.)

15 (On the record.)

16 MR. CURTIS: Okay, we just took a five-minute break.
17 It's 10:10 and we'll continue the interview with Mr. Jay
18 Spence.

19 BY MR. LaRUE:

20 Q. All right, this is Liam LaRue. Most of this is just
21 going to be clarification on some of the stuff we've already
22 gone through. Let's see here. You talked about the
23 preventative maintenance surveys. You said those are annual?

24 A. Yes.

25 Q. Okay. How long have you been doing that?

1 A. Ten years.

2 Q. All right.

3 A. I think it was done prior to that but never written
4 down.

5 Q. Okay.

6 A. Well, we had to remember what was on there --

7 Q. And you said you've got those for the last couple of
8 years?

9 A. I believe they are all still in the file because we
10 refer back to them.

11 Q. All right. You talked about the props, all of them
12 have five blades except for one?

13 A. Correct.

14 Q. The damaged one, that is.

15 A. No, it actually fell off the boat. We had it changed
16 and the cotter pin bring and we've got a lug nut and a regular
17 nut and a keyway. We knew the boat wasn't coming up to the
18 speed and the actual engine was over-revving. And so we sent a
19 diver down and sure enough, no wheel. So we have spare wheels,
20 so we put a four-blader on it. We have six more spare wheels.

21 Q. Okay. That's what's on it right now?

22 A. A four -- I'm not sure which one is on it. Steve,
23 I'm sure, can tell you. And then the other engines, our other
24 wheels are five-bladers.

25 Q. Okay. You mentioned past engine failures, a cracked

1 block. Did any of those happen with passengers onboard?

2 A. I'm almost positive there were passengers onboard
3 when I went down and saw the rod pushed through the block. And
4 I believe it's the *Massachusetts*. It could have been the new
5 *Boston*, because we had a rod go through the block on that one,
6 also.

7 Q. Okay. We could probably clarify that with Steve, I
8 guess?

9 A. Yeah.

10 Q. But did you have to -- you just went back without
11 that engine?

12 A. Right. Yeah, the engine was shut down, and I believe
13 I stayed in the engine room just to make sure nothing else was
14 going to happen. And we continued the trip on the other three
15 engines.

16 Q. All right. I just want to clarify a little bit more
17 the notification you received. So you got a call from Boston
18 Harbor Cruises. They initially thought it was a fire on one of
19 their boats?

20 A. That was the report that they got.

21 Q. Okay. And so you went down to the office, try to
22 contact the *Massachusetts*?

23 A. No, I was on one of our boats, actually with Steve,
24 the mechanic, and Barry, the other mechanic, trying to figure
25 how to repair an out drive, trying to figure out exactly what

1 we had to do to fix it, on one of the other boats.

2 Q. Okay.

3 A. And so I got the call from Steve Deshaine, the
4 manager on the dock in Hingham.

5 Q. Okay.

6 A. And I'm not sure how he was notified, but he called
7 me and he said, you know, "I was told there was a fire on the
8 *Laura*, but it's not. It's on the "Mass." Do you know what's
9 going on?

10 And I said, "You've just notified me, Steve. I do not
11 know what's going on." So that's when I went to the office and
12 tried to make my phone calls.

13 Q. Okay. And at that point you went out to the vessel?

14 A. Then I went out. It was probably an hour. I can't
15 remember what time I got onboard. I know I had to sit on the
16 Boston Police Harbormaster's boat for a while, because the
17 firefighters were still aboard. And Steve, the captain, was
18 aboard, but they didn't want anyone else.

19 Q. Okay. You said that usually during each run of the
20 *Massachusetts* you've got the captain on the bridge and you
21 usually have one other person with him one of the deckhands?

22 A. Either the deckhand or the second captain.

23 Q. Okay. And then there's one deckhand on the main
24 deck?

25 A. Right.

1 Q. And is anybody like roving around or --

2 A. The other deckhand is supposed to rove around.

3 Q. Okay.

4 A. Many times -- I mean, it might just be up to the
5 second deck, drop the passenger count off, make sure everyone
6 is okay and seated and whatnot, and then go back down with the
7 person on the lower deck to make the engine room check or just
8 stand by down there next to the phone.

9 Q. And then I just want to talk a little bit more about
10 emergency procedures. You don't have any written procedures
11 for any of these type things?

12 A. What we do have, a post-emergency procedure check off
13 list, crossing the bar, abandoning ship, anchoring, man
14 overboard. And there's a copy of that in the wheelhouse, but
15 it's also posted on the boat I know in one place, maybe on both
16 decks. I'm not sure.

17 Q. And there are no written requirements for like
18 deckhands, before they -- you know, before their first trip on
19 the *Massachusetts*, before they start working, like the abandon
20 ship or a fire drill or anything like that?

21 A. No.

22 Q. Okay.

23 A. Many times they'll be the fifth person.

24 Q. Okay.

25 A. Not required to do anything but really for, you know,

1 a period of observation.

2 Q. You mentioned you do fire drills and man overboard.

3 Do you do abandon ship drills at all?

4 A. I don't know that we have done an abandon ship drill.

5 Q. Okay.

6 A. I don't know.

7 Q. Okay.

8 A. We should, but I can't say that we have.

9 MR. LaRUE: All right, I think that was pretty much
10 all I had.

11 MR. CURTIS: Any questions? I'll pass it onto Kelly.

12 BY LT. CARRUTHERS:

13 Q. I just wanted to know, do you have an operating
14 manual for the maintenance? You said there isn't a checklist
15 that you guys keep for when to check the oil? I think there's
16 a maintenance list they check off every time they get on the
17 boat.

18 A. There's an engine log which has an entry every day
19 the boat is in operation, indicating how many hours, you know,
20 the boat was run. That would be filled out at the end of the
21 day. There's an area that has remarks and it tells how much
22 oil has been put in each engine. You make a note in that area
23 if the engine oil has actually been changed or the fuel filters
24 have been changed. So I mean, you go through it and Steve, the
25 person in charge of the boat, keeps track of the accumulation

1 of hours and when all the different filters are changed.

2 Q. Okay, but how does he know which ones need to get
3 changed over?

4 A. By looking in the engine log, which specifically
5 indicates each of the six engines onboard. And the number of
6 hours that they run each day is added up. You know, it
7 accumulates the hours. And then at 200 hours or at 300 -- you
8 know, now that we've got these new filters hopefully --
9 basically it will be almost four years before we change our oil
10 on board. He's the one that determines when it gets done.

11 Q. But did you give him training for that or is that
12 just something that he knows. Like if you're going to take off
13 in an airplane, there's a list that you've got to go and check
14 all these things?

15 A. Well, since the first day in the yard, we basically
16 took the suggested intervals from the manufacturer of the
17 engines, which I believe was 250 to 300 hours. So that's what
18 we use as our guideline, based on their recommendations, to
19 change the oil.

20 Q. And he passes that knowledge onto the next master
21 verbally?

22 A. No, it's written down.

23 Q. So you actually have an operations for maintenance
24 written down?

25 A. Yes. And then if an engine were to be changed, it's

1 noted in there. If there's a call for like an air conditioning
2 specialist or someone to repair bar equipment, it's not put in
3 the engine log. It's put in the deck log, because it has
4 nothing to do with the engine room.

5 Q. If something is broken, how does the master know what
6 needs to get fixed? How would he know if something wasn't
7 working that it's an air conditioning problem or that it's, you
8 know, the starboard engine?

9 A. It would get written down on one of our incident
10 report sheet, or it's called a maintenance reporting sheet.
11 And if the person prior to him would fill it out, that would be
12 turned into the offices. For instance, this past Saturday I
13 told him by phone what had been written down, that there was a
14 question on sparks coming out of the generator and that the
15 starboard outboard had overheated. I didn't get him on his
16 phone, but I left a message on his cell phone. And he
17 investigated the situation when he came in on Monday morning.
18 He could have come in and done it on Sunday. I can't say
19 whether he did or didn't come in and look at the boat on
20 Sunday, because it was actually back down in Hingham. But the
21 first thing he checked was the impeller on the outboard engine
22 and there was no problem. And as I understand it, he did not
23 run the port generator. He ran the starboard generator, so
24 that we could have the port generator inspected by the mechanic
25 when he got into Boston.

1 Q. The deckhands that you have go down and do the midway
2 checks, do they have diagnostic training so that they would
3 know if there was a problem? Would they know if something's
4 off or is it just a general, yes, that oil level is correct?

5 A. They know what the running temperature should be.
6 They know what the gear oil pressures should be. They -- most
7 of them would know what the cycles should read on the
8 distribution panel.

9 Q. And that was a formal training that they received?

10 A. It's --

11 Q. Or, informal by the master that says, this is what
12 this gauge should read? Like the master shows them that during
13 their training. Or, were they given a formal, sit-down class?

14 A. No, no, no, it was shown to them by whoever the
15 master was on the boat.

16 Q. Okay. Does he have a check off that he goes through
17 with each one of those?

18 A. I don't believe he has a check off list, no.

19 Q. So it's just what's in his head, or this is what I
20 need to show these deckhands?

21 A. Repetitively, yes. So, you know, the training
22 basically is -- it follows a pretty routine way to train
23 someone and it's show and tell, tell and perform. So basically
24 if I'm the captain I would show you and tell you what I'm
25 doing. Then the next step would be for you to tell me what I

1 need to do. And if there's a problem it would be corrected,
2 say, "No, no, no, you missed a few steps here." And then the
3 last step of the process to verify if a person knows how to
4 perform a particular duty would be for the person to explain
5 and demonstrate exactly what they have gone through. And
6 thereby, the person doesn't get hurt. The person can verify
7 that they do know what they are talking about by explaining and
8 demonstrating, you know, what's going on.

9 I know with the generators you have to go through
10 about ten steps to shift them from one side to the other. And
11 we want all the deckhands to know how to, you know, get
12 involved in the boat, know the systems of the boat and, you
13 know, be a valuable part of the boat, so if something happens
14 they can go down and do what the master might have to do if
15 something happened to him.

16 Q. But that's all on a common knowledge basis?

17 A. Right, yes.

18 BY MR. LaRUE:

19 Q. One more question, Liam LaRue. You said so the
20 captains stick with the boat. So they are very knowledgeable
21 about that boat. Do the deckhands rotate between all the
22 different boats or do they generally stick with --

23 A. On the *Massachusetts*, which is basically staffed by
24 year round employees, it's a very consistent crew on that
25 particular boat. Delia is a summer employee that's, you know,

1 started as a galley or deckhand person on the boat. So she
2 has, you know, no prior experience on the boat, because she's
3 just started working for us this summer. But Peter has worked
4 for us a year. He was the deckhand. Steve has been on the
5 boat for 18 years. And Wesley worked as a deckhand on the boat
6 and got his captain's license and continued to work as a minute
7 in the wintertime until he was considered checked off.

8 In order for us to operate on a year round basis,
9 which is one other things I want to throw in. There are times
10 that we actually have four or five captains on the boat,
11 because I just can't realistically or effectively run the
12 company by saying, "Well, we're just going to hire all new
13 people." You know, I have to, you know, let my payroll get out
14 of control a little bit basically to maintain all the captains
15 that are, you know, certified on the most boats on a year round
16 basis. And so at this time of year they start getting cycled
17 down a little bit off the boat. Wesley, I think, is down to
18 two days a week, but all winter he was three days a week. And
19 he's in charge of our boat called the *Freedom*. So he needs to
20 start spending more time on that as we're getting busier. And
21 he'll end up being one day on the commuter boat and probably
22 three days on the "Freedom."

23 Q. Okay. And just in general, as far as emergency
24 stuff, the deckhands -- they're not really going to be expected
25 to institute anything on their own? They're just going to be

1 sitting there following the direction of the captain of the --

2 A. Yes.

3 Q. That's basically the policy?

4 A. Yes.

5 MR. LaRUE: That's all I've got.

6 MR. CURTIS: I guess that's it, Jay.

7 MR. SPENCE: Okay.

8 MR. CURTIS: I appreciate your time today. It's now
9 10:23 and that concludes the interview with Mr. Jay Spence.
10 Thank you, sir.

11 (Whereupon, at 10:23 a.m., the interview in the
12 above-entitled matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: M/V Massachusetts Fire
 June 12, 2006
 Interview of Jay Spence

DOCKET NUMBER: DCA-06-MF-016

PLACE: Boston, MA

DATE: June 15, 2006

was held according to the record, and that this is the
original, complete, true and accurate transcript which has been
compared to the recording accomplished at the hearing.

Phyllis Jarvis
Transcriber